



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street
San Francisco, CA 94105-3901

FEB 01 2011

Aaron Robertson, Deputy Director
Administrative/Fiscal Services
Dept. of Toxic Substances Control
P. O. Box 806
Sacramento, CA 95812-0806

Re: DTSC Grant #D-00936309 2010 Evaluation

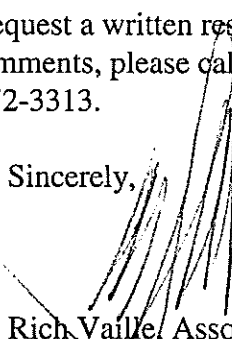
Dear Mr Robertson:

I want to congratulate you and your staff for the great work they have successfully completed in 2010. In spite of the challenges continuing to face DTSC due to the Department's resource constraints and furloughs and their direct impact on staff and management responsibilities, DTSC worked with us to accomplish all of your GPRA (Government Performance & Results Act) goals and grant commitments.

In the coming year, I look forward to working with you to further our mutual environmental compliance and clean up goals, to exploring partnerships on new and innovative programs, and to strengthening our working relationships with both new and familiar managers and staff in both of our agencies.

Please review the enclosed draft report, which will become final on February 28, 2011, unless you advise us before then that you will have comments. We would like to receive comments by February 28, 2011. We also request a written response to the recommendations in this report. If you have any questions or comments, please call me at (415) 972-3378 or have your staff contact Rebecca Smith at (415) 972-3313.

Sincerely,


Rich Vaile, Associate Director
Waste Management Division

Enclosure

cc: Rebecca Smith, EPA

Sara Benson, DTSC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

January 18, 2010

California RCRA/C 3011 SFY 2010 End of Year Report
(Grant ID# D-00936309)

I. Compliance Monitoring and Enforcement

Highlights

a. Inspection Program

1. Despite the impact of the State of California's ongoing financial issues on DTSC, EERP (the Enforcement and Emergency Response Program) reported completing 416 RCRA and non-RCRA facility inspections. EERP also reporting triaging 555 complaints and completing 114 criminal investigations. Fifty-three RCRA financial responsibility reviews were conducted.
2. EERP conducts active oversight of electronic waste collectors and recyclers, conducting 82 inspections of recyclers and 134 inspections of collectors. DTSC continues to provide leadership in finding non-compliance in this sector and pursuing appropriate enforcement.
3. EERP has an active Used Oil Team that focuses on this previously under-inspected sector, with enforcement actions initiated at 31% of all used oil facility inspections.
4. EERP devotes considerable resources toward addressing the concerns of communities in environmental justice areas. It is difficult to ascertain from their end-of-year report how much of this work is RCRA inspection & enforcement-related. For example, a 2007 EJ bus tour in Maywood led to findings of violations and a \$62,900 penalty against Exide Technologies in the EJ community of Vernon. Based on information provided by the community, All Electronics of Maywood was inspected which led to payment of a penalty of \$12,500.

California's Regulated Universe ¹						
Active TSD	Inactive TSD	Land-fills	Combustion	LQG	SmallQG	Transporters
79 ²	176	3	2	4,640 ³	48,050 ⁴	959

¹ Per RCRAInfo reports pulled 10/28/2010 (except transporter universe from DTSC's HWTS system)

² EPA believes this to be a data error. Last year, California's TSD universe was 69 (per RCRAInfo).

³ EPA believes the actual number of non-episodic LQGs to be in the range of 1,100 – 1,300; only 1,046 facilities reported generating more than 13.2 tons of hazardous waste in the 2009 BRS.

⁴ Includes numerous facilities that have not de-activated their ID numbers.

Inspection Accomplishments			
Type of Facility	Commitment	Outcome Reported in EOY	Number Reported in RCRAInfo
Operating TSD	39	38	38
Post-Closure Facilities	7	12	11
Incinerators	2	2	2
Generators	16	16	37
Transporter	--	49	33
Other (E-waste, FRRs, etc.)	--	303	85

Note: California's hazardous waste program is both broader and more stringent than the federal program. For example, under California regulations, some facilities are considered TSDs, but under federal regulations, and in RCRAInfo, these facilities would be categorized as generators. Additionally, a facility categorized as a small quantity generator in RCRAInfo could be a state-waste-only large quantity generator. Therefore, the individual inspection and enforcement outcomes reported by DTSC are difficult to reconcile with what is reported in RCRAInfo. In addition, EERP reported 416 inspections, but the individual totals added up to 420.

5. **TSD Inspections.** DTSC reported completing 38 compliance evaluation inspections at operating RCRA TSDs. Because of the State's budget impasse, DTSC's medical monitoring contracts lapsed in 2010, impacting the number of inspectors who could conduct field inspections. The contracts have been renewed, and EERP expects to conduct the missed inspection by September 30, 2010. Both facilities with incinerators were inspected. EERP reported 12 inspections of post-closure TSDs; RCRAInfo showed 11 inspections at post-closure facilities. Regardless, the commitment of seven inspections of post-closure TSDs was exceeded.
6. **Generators.** DTSC reported conducting 16 generator inspections. RCRAInfo shows 26 comprehensive evaluations inspections at LQGs and SQGs, and an additional 21 other types of inspections at LQGs/SQGs.
7. **Transporters.** DTSC reported conducting 49 transporter inspections. Because transporters are often also in the data as generators, it is not possible to determine the number of these inspections in RCRAInfo. At least 33 inspections in the database appear to be transporter-only inspections.

8. Other. DTSC reported a total of 416 inspections, including financial record reviews, non-financial record reviews, follow-up inspections, etc. Two-hundred and six inspections are in RCRAInfo.
9. Complaints. DTSC reported receiving 555 formal complaints, with 510 referred. It appears from the table provided that 20 complaints are currently under investigation by EERP.

b. Enforcement Program

EERP reported initiating 42 settling administrative/civil cases and settling 64 with \$3,336,632 in settlement amounts. It is unclear what portion of these accomplishments has a RCRA component. Some cases noted in Table 1 as non-RCRA are in RCRAInfo; conversely, cases that are listed as RCRA in the table are missing from RCRAInfo.

Enforcement Actions						
Agency Action	Total Number (RCRA and non-RCRA) Reported	RCRA Cases ¹	Number Reported in RCRAInfo	Number ² Timely (%)	Criteria (days)	Goal (%)
Informal Actions	NA	--	75	73 (97%)	150	80%
Formal Actions Initiated	42	--	13	3 (23%)	240	80%
Settlements	64	--	29	14 (48%)	360	80%
Enforcement SEPs ³	12	--	6	NA	NA	NA

¹ DTSC reports both RCRA and non-RCRA cases

² Number of timely per RCRAInfo data

³ SEP = Supplemental Environmental Project (includes California Compliance School)

c. Key Compliance Program Indicators

Trends of Key Compliance Program Indicators (As Reported in RCRAInfo)			
<u>Indicator</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Inspections (CEIs, FUIs, FCIs)	181	142	148
Operating TSDF Inspections	57	45	38

Trends of Key Compliance Program Indicators (As Reported in RCRAInfo)			
<u>Indicator</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Inspections w/ Violations	77 (43%)	57 (40%)	59 (40%)
Inspections w/SNC¹	27 (15%)	21 (15%)	13 (9%)
Informal Actions	108	95	75
Timeliness of Settlements	48%	54%	48%
Settlements	31	28	29
Average # of days to settle	578	600	582
Fines and Penalties	\$1,440,045	\$1,744,547	\$1,183,216
SEPs²	13	9	6
Value of SEPs	\$92,275	\$237,510	\$103,850

¹ SNC (significant non-complier)

² DTSC's definition of Supplemental Environmental Projects differs from EPA's definition, as DTSC may include referrals to the California Compliance School and reimbursement of compliance costs.

DTSC's data indicates that only 3% of their 13 cases were initiated in less than 240 days. In addition, the average number of days to settle cases reflects the complexity of some of their enforcement case development. However, a review of RCRAInfo data indicates that California facilities facing formal enforcement return to compliance in a timely fashion.

d. CUPA Program Activities

1. Oversight of the 83 local government agencies (CUPAs) that implement most of the hazardous waste generator program in California presents a formidable challenge. DTSC needs significant resources to ensure adequate oversight and the continuing development of CUPAs hazardous waste generation inspection and enforcement program. During SFY09, EERP responded to 50 questions on RCRA and participated in 14 CUPA program evaluations. EERP was unable to participate in five additional scheduled evaluations due to lack of resources. As a result, the hazardous waste program part of the evaluation is conducted by CalEPA personnel and is less thorough than it would be if DTSC was involved.
2. DTSC provided training on an as-needed and as-requested basis to specific CUPAs. For example, Used Oil Training was provided to representatives of 12 CUPAs. In addition, the training provided at the CUPA conference provides invaluable guidance on the hazardous waste program to the CUPAs.

Issues and Recommendations

1. **Issue:** EERP's report covers RCRA and non-RCRA work completed during the year. EPA cannot determine with any certainty what is RCRA-related work and what is not RCRA. For example, EERP commits significant resources to environmental justice issues, which EPA strongly supports. However, the format of the EOY report makes it difficult to determine what is and is not RCRA compliance work.

Recommendation: DTSC should consider developing a RCRA-only End-of-Year report. In addition, DTSC should include simple lists of the facility inspections & enforcements that are counted as meeting RCRA grant commitments in the report.

2. **Issue:** The data in RCRAInfo seems to underreport the work and accomplishments of DTSC. For example, of 416 inspections reported by DTSC in their end-of-year report, RCRAInfo includes only 206 inspections. Likewise, it appears that not all of the RCRA enforcement actions reported by DTSC are in RCRAInfo. Because of the differences in the federal vs. state program, the numbers DTSC provides are difficult to reconcile with the data in RCRAInfo.

Recommendation: DTSC should develop quality control procedures that ensure all components of their RCRA inspection and enforcement program are reflected in RCRAInfo data. DTSC should periodically print RCRAInfo reports, and ensure all RCRA accomplishments are being entered. All RCRA accomplishments should be in RCRAInfo.

II. Permits and Corrective Action

Highlights

a. Permitting Program

1. **Permitting GPRA Goals:** DTSC's commitment in FY10 was to achieve seven permitting accomplishments toward the Government Performance and Results Act (GPRA) 2010 permitting goals. Beginning in 2009, this permit target was one combined goal that included new permits ("initial controls") and permit renewals ("updated controls"). DTSC's FY10 commitment represented 7 of the 9 controls in place that EPA Region IX needed to achieve. For FY09 to FY11, DTSC has provided EPA with a very helpful Multi-Year Strategy that tracks and projects future target accomplishments for GPRA Permit Baseline facilities. We commend DTSC for having the foresight to look forward, define project schedules, and to track key permitting milestones. Based on this strategy, EPA can help DTSC prepare accurate future milestone timeframes and annual target projections, and to document project status updates. For Federal FY11, EPA is requesting California to attain 7 permit goals. EPA will continue to work with DTSC to sync their targeted baseline facilities with their permit teams, and to closely coordinate and track DTSC's progress toward achieving this future goal.

2. **Permit Program Accomplishments:** EPA acknowledges that DTSC continued to face difficult permitting challenges in 2010. The Department's loss of experienced permitting staff, whether through attrition or reassignments, in combination with imposed furlough days, challenged DTSC's ability to sustain a productive and motivated level of permitting accomplishments. However, much like in 2009, DTSC overcame this adversity and actually surpassed their target goal of 7 permit commitments and achieved 8 permit accomplishments as summarized in the table below. DTSC's permit staff and data management staff persevered and maintained their focus on achieving their permit commitments by proactively tracking and documenting permit accomplishments and by cooperatively discussing the status of these accomplishments at regular, productive meetings with EPA's Mike Zabaneh. In turn, these meetings enabled Region IX to successfully attain our cumulative Region 9 GPRA Permit goal of 9. Based on DTSC's consistent productivity to date, California should readily meet their FY2011 permitting milestones set forth in DTSC's current Mid-Year Strategy.

California's 2010 GPRA Permit Accomplishments		
Facility/ID #	Initial Controls (New Permits) Completion Date	Updated Controls (Renewals) Completion Date
1. Certainteed Corporation CAD093435022		6/22/2010
2.. Chevron U.S.A.(Former Chevron Chemical Co) CAD043237486		4/1/2009
3.. Defense Distribution Depot San Joaquin Sharpe CA8210020832		2/25/2010
4. Erickson Treatment/Transfer St CAD982417560		7/15/2010
5. Former Baron Blakeslee, Inc CAD074644659		3/8/2010
6. Southern California Gas Company-Olympic CAD981422017		5/4/2007
7. Southern California Gas Company-Pico Rivera CAT000625137		11/9/2007
8. Tosco Corp Avon Ref CAD000072751		9/29/2009

b. Corrective Action Program

1. **Corrective Action GPRA Goals:** California has 246 facilities on Region 9's 2020 Corrective Action Baseline of 317 facilities. In 2010, DTSC's GPRA percentage goals were: (a) human exposure under control at 68% of the baseline facilities, (b) migration of contaminated groundwater under control at 61% of the baseline facilities, and (c) remedy constructed at 35% of the baseline facilities. DTSC's numerical goals in 2010 were to achieve human health under control at 5 facilities; groundwater under control at 7 facilities, and remedy constructed at 18 facilities.
2. **Corrective Action Program Accomplishments:** DTSC's corrective action program met and exceeded all of their planned commitments for 2009/2010. DTSC was able to achieve human health under control at 36 facilities; groundwater under control at 13

facilities, and remedy construction at 25 facilities. These EOY accomplishments increased California's aggregate percentages of human exposure under control to 78%, groundwater migration under control to 57%, and remedy constructed to 30%. DTSC accomplished these milestones largely through the efforts of Frank Dellechaie and all the performance managers and project managers at the four regional DTSC offices. In addition, Region 9 staff Latha Rajagopalan and Chun Liu were contributing partners in helping DTSC achieve a number of additional Human Health EI accomplishments.

Issues and Recommendations

- 1. Issue: EPA needs more timely data and project specific updates:** Over the past year EPA staff had difficulty with data needs and project specific updates. We believe having one or two points of contact for the California permitting program would help resolve these communication issues and provide a higher level of quality for data needs and meeting GPRA goals.

Recommendation: EPA encourages DTSC to better identify specific staff or managers that can represent the permitting program and to re-initiate regular meetings and/or calls between EPA and DTSC at the programmatic management level.

- 2. Issue: Short- and Long-Range Planning Needed for Future Remedy Construction Accomplishments.** EPA Region 9 has established a program to elevate scrutiny of sites projected to meet the Remedy Construction goal in the year 2016 or beyond. This increased scrutiny could be, among other things, tightening schedules, increased state enforcement, or referral to EPA for federal enforcement. The intent of these measures is to hasten the pace to achieve the Remedy Construction Goal at these sites. This year, Frank Dellechaie undertook a comprehensive review of the status of each site in the two Southern California regional offices. Based on his review, DTSC has 22 sites that are currently projected to meet the goal in the year 2016 or beyond (see attachment X).

Recommendation: DTSC management should review each site on the list and identify applicable actions to increase the pace towards Remedy Construction. Interestingly, there are 34 sites projected to meet the Remedy Construction goal in 2015. It would be worthwhile for senior management to also look at these sites and start considering actions necessary to move them towards Remedy Construction. Additionally, DTSC management should review all the projection data and make the necessary corrections. EPA expects that DTSC will annually review each site's status and generate new projections. These annual reviews will form the basis of our overall GPRA Corrective Action strategy. The overall intent of this project is to identify problem facilities early enough so that we can, as appropriate, change the course and meet the 2020 Remedy Construction goal.

III. Data Management

Highlights

a. RCRA/C Data Requirements: Compliance

DTSC successfully converted their Inspection Compliance and Enforcement (ICE) data to the ICE/Envirostor database. This task was accomplished by moving the data from the ICE database into the Envirostor platform. DTSC also successfully completed system reviews and quality control reviews of their ICE/Envirostor data. Finally, DTSC began testing their ICE/Envirostor uploads to RCRAInfo in preparation for loading the data into the RCRAInfo production database.

b. RCRA/C Data Requirements: Permits and Corrective Action

DTSC successfully converted their Permits and Corrective Action (PCA) data to Envirostor. This task was accomplished by moving the data from the existing Hazardous Waste Permitting (HWP) database into the Envirostor platform. The PCA data has been successfully loaded into the RCRAInfo pre-production environment. We anticipate in the next quarter DTSC will upload their data into the RCRAInfo production database.

Issues and Recommendations:

- 1. Issue:** As has been the case for the past two years, DTSC did not meet the commitment of providing state data to EPA on a quarterly basis as mutually agreed upon, and outlined in the grant. Compliance, Monitoring and Enforcement (CM&E) data needed to be submitted via uploads into RCRAInfo on the last day of January, April, July and October. Permits and corrective action data needed to be loaded into RCRAInfo on September 15, December 15, March 31 and June 30.

Recommendation: DTSC should provide their permit, corrective action and compliance, monitoring and enforcement data to EPA on a quarterly basis via uploads into RCRAInfo as outlined in the grant. EPA needs this data to provide adequate oversight, as required, of the state program. If DTSC is unable to submit their data on a quarterly basis through Envirostor, we recommend that DTSC enter their data directly into RCRAInfo as a contingency. EPA will continue to provide technical assistance through the review of test loads into the preproduction environment in order to help the state with data submittals.

- 2. Issue:** The grant quarterly data submittal deadlines differ for the CM&E data and the PC&A data. This is causing problems in terms of meeting deadlines and scheduling tasks between the two major areas for data loads.

Recommendation: EPA recommends that DTSC institute an internal quality control tool to meet these two distinct deadlines. Additionally, we recommend that DTSC develops a data quality control plan to ensure that their data is accurately reflected in both DTSC's database and RCRAInfo.

c. Biennial Reporting System

Currently, a total of 2,593 facilities have submitted hazardous waste reports to DTSC for the 2009 Biennial Reporting (BR) cycle and have been successfully loaded into RCRAInfo. DTSC took on a new role for this BR cycle by independently correcting the errors from the status report provided to them by Region 9. Region 9 provided guidance on how to interpret the errors using the flat file translation guide, and DTSC's staff followed through and corrected the necessary errors in order to achieve successful loads. In addition, DTSC resolved all the issues identified by HQ through the state summary report on time. We appreciate DTSC's initiative and successful efforts in resolving these errors.

Another new procedure that was implemented this BR cycle was the inclusion of state wastes. The data will not show up in the 2009 National BR, but it will reside in RCRAInfo. This will be beneficial to Region 9 and the State, because the data will be readily available if an analysis for non-RCRA wastes (i.e. PCB, used oil, etc.) needs to be performed.

Issues and Recommendations:

1. **Issue:** Based on a national report that is available in RCRAInfo, there are 493 facilities that reported through the BR that generated RCRA wastes, but do not have a valid EPA ID number issued by EPA Region 9. This happens when many state issued ID numbers migrate into RCRAInfo through the BR load. This causes a serious problem because EPA does not have a record (EPA Form 8700-12) with original wet signatures in its RCRA Records Room to serve as documented notification of federal waste activity.

Recommendation: The 493 facilities were ultimately captured into RCRAInfo through the BR load. However, to resolve this issue from occurring again, DTSC state notifications staff need to notify applicants of state ID numbers that they cannot handle RCRA waste without receiving a federal ID number. This issue could best be addressed if DTSC took over the notification process and provide oversight of all hazardous waste generation for their state.

2. **Issue:** EPA is loading the state's BR data instead of the state loading it directly into RCRAInfo.

Recommendation: EPA HQ has made easier for authorized states to load their BR through RCRAInfo. EPA Region 9 recommends the state load their BR directly into RCRAInfo for the next cycle, thus eliminating Region 9 serving as the intermediary; this will result in a more efficient process. EPA Region 9 can continue to provide support, and work with the state to resolve errors through the loads. EPA would like to make the BR loads for the upcoming cycle a grant commitment.

IV. Mexico Border

DTSC has met the RCRA grant commitments for US-Mexico Border Program Activities. DTSC's primary responsibility is to provide outreach and enforce border crossing environmental regulations. Their work also directly coordinates with and supports Border 2012 program objectives under Goal 3 Reduce Land Contamination and Goal 6 Improve the Environmental Performance through Compliance, Pollution Prevention, Enforcement, and Stewardship. DTSC conducted border inspections in Otay Mesa and Calexico Ports of Entry, planned, coordinated, and participated in Border 2012 task force and project specific activities, and facilitated the exchange of information and development of binational border cases. The Enforcement and Emergency Response Program (EERP) of DTSC contracts San Diego County Hazardous Materials Management Division (SDCHMMD) to support them, resulting in more effective and efficient use of resources. DTSC continues to provide strong leadership to the Border 2012 Program; this is particularly remarkable given extensive staff/budget cuts throughout DTSC.

a. Highlights

DTSC has been particularly engaged in binational enforcement activities associated with the import/export of biodiesel and electronics including electronics shipped from the US to Mexico for recycling facilities in that in the year 2010 were discovered to lack adequate permits from PROFEPA, Mexico's federal enforcement agency.

b. Program Guidance Coordination and Support

DTSC's Performance Manager for Imperial CUPA office, Roger Vintze, has been serving as the lead DTSC contact for Border 2012 Goal 3 and Goal 6 activities with support from Alfredo Rios, Supervisor for the DTSC San Diego office. In this capacity DTSC supports the Border 2012 Program in setting up and chairing California Border Enforcement Task Force and the Binational CA/Baja CA Waste and Enforcement Task Forces. In October 2009, DTSC also attended the National Coordinators meeting held in San Diego County and plans to attend regional and national meetings (dates still to be determined) to provide input on the next border program.

c. Surveillance and Enforcement

1. DTSC has continued to perform environmental inspections in coordination with US Customs and Border Protection at the Otay Mesa (Monday, Wednesday and Friday) and Calexico (Friday) north port of entry crossing. DTSC contracts San Diego County to conduct inspections in San Diego one day a week (Thursday). DTSC conducted 3337 RCRA and non-RCRA related inspections and this resulted in 7 violations. San Diego County inspected 1020 trucks and this resulted in 2 violations. The consultations and violations of imports related to lack or improper documentation disclosing hazardous waste, labeling, or containment associated with used oil metal scrap, e-waste, drums of hazardous waste, and other materials.
2. DTSC has coordinated closely with Mexican and CBP officials to exchange information about shipments of metal scrap, universal waste electronic devices (UWED) and other electronics, and other materials that are regulated under state and federal laws. One of the most significant issues addressed, this performance period, is that SEMARNAT

reassessed the electronic recycling permits of two Baja CA companies that received electronics from various states in the US. SEMARNAT indicated that one of the companies was operating without a permit and shortly after, PROFEPA reported the abandonment of Source Technology Display, one of the companies. DTSC and PROFEPA exchanged enforcement related information. Given that many US companies relied on these two companies, there was concern about extended storage of electronics in the US given few alternatives for recycling.

3. DTSC continues to coordinate and work closely with CBP to address and facilitate environmental laws and regulations. CBP has substantially increased their presence on north bound crossing, as well as, 24/7 monitoring of south bound crossing. More recently, four to six CBP agents regularly attend the California Border Enforcement Task Force. They also attend the Binational Task Force when the meetings are held in the US. Some of the materials being monitored include biodiesels given the potentially explosive nature of "home-grown" production due to glycerin and methanol.

d. Capacity Building

DTSC worked on planning new workshops in Mexico in coordination with PROFEPA and SEMARNAT. The workshops are scheduled October 18-19 in Mexicali and October 20-21 in Tijuana. The two day training will have an emphasis on hazardous materials/waste management/soil contamination and pollution prevention. About 75 persons from the Baja CA border maquiladora industry, transporters, consultants and Mexican regulatory agencies are expected to attend. DTSC San Diego and Imperial office will be coordinating with DTSC Sacramento to incorporate broader pollution prevention practices in the hazmat workshop in October.

e. Improve Environmental Performance

EPA appreciates DTSC's continued coordination with diverse US and Mexican federal and state agencies and especially working closely with CBP and the Mexican environmental agencies. We encourage DTSC to strengthen their enforcement reports to summarize the types of materials that are being turned around, which will assist in seeing possible trends in specific kinds of materials.

No significant issues.

V. Pollution Prevention

Highlights

- a. **Measurement of Green Business Program Success:** EPA commends DTSC for their efforts to support the Green Business Program, especially the finalization of the measurement database available to all Green Business programs. The results documented in the EOY report are impressive. Almost as importantly, the database will be a valuable tool to both promote the value of the Green Business programs and to make them even more effective in the future. Kudos to City of San Francisco and other partners who made it possible!

- b. **Agreement on Measurement Methodology for SB14 Plan Reviews:** we are glad to have reached a common agreement on how to report results from DTSC's activities under the SB14 program. We accept that, using the agreed upon methodology, there are no results to report this fiscal year.
- c. **Progress on Mexico Border reporting:** we appreciate the additional detail provided in this year's report about the P2 work on the US-Mexico Border.

Issues and Recommendations:

Issue: No significant issues

Recommendation: Greater information on P2 Activities within the Border 2012 plan: As the Border 2012 plan approaches its final years, we hope to see greater reporting on the P2 activities and outcomes that DTSC staff helped support. We understand the importance of building the foundation of knowledge and expertise regarding P2. However, we anticipate that the planning and outreach will yield results in terms of new projects, approaches, or strategies that can be documented by partners on both side of the border. We encourage DTSC to review the Border activities in next year's EOY to highlight specific accomplishments and results.

VI. Authorization

Highlights

A proposed decision to revise California's authorized program was published in the Federal Register on September 30, 2010. DTSC staff provided a mailing list of about 1000 interested parties in May 2010 and made the application available in their library in October 2010. The proposed decision elicited no comments and a final decisions is expected to be published by USEPA in early 2011.

Issues and Recommendations:

Issue: No significant issues.

Recommendation: USEPA would like DTSC to develop a schedule for submitting an application for authorization of the Universal Waste Rule, a rule DTSC has already adopted into their state regulations. USEPA would like to authorize this rule because federal inspectors find universal waste violations and would prefer to include them in their enforcement actions instead of referring the violations to DTSC for separate enforcement. Federal inspectors can enforce only the "authorized" state program.

II. Grant Administration

No significant issues.